

Serial No.: 09/738,801

Attorney Docket No.: 00P9081US

REMARKS

Upon entry of the instant Amendment, Claims 1-22 are pending. Claims 1, 4, 10, 16 19, and 22 have been amended to more particularly point out Applicant's invention.

Claims 1-7 and 9-22 were rejected under 35 U.S.C. 103 as being unpatentable over Budge et al., U.S. Patent No. 6,014,689 ("Budge") in view of Liwerant et al., U.S. Patent Publication No. 2005/0246752 ("Liwerant"). Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Budge or Liwerant, either singly or in combination.

As discussed in the specification, an aspect of the present invention is to provide an improved video e-mail system. Certain embodiments include a video input device with a video e-mail controller, and a Web Access Device processor implementing video capture, e-mail and compression selection programs. In operation, a user activates the video e-mail controller, for example, by pushing or clicking a button. The video input device sends a video stream to the Web Access Device processor which is stored until the user clicks or pushes the button again. The Web Access Device processor then activates the e-mail program, opens a "compose" window, and automatically attaches the stored video file as an attachment to the e-mail. The video attachment may then be sent, without necessitating, for example, an accompanying transmission of a video player, from the sender to the recipient.

In contrast, as discussed above and in response to the previous Official Action, Budge appears to require the user to access (LOAD) a video file and then manually activate the MAIL button 670. Presumably, then, the user must manually attach the file. However, Budge does not appear, inter alia, to automatically attach, without user interaction, the video file to an e-mail compose window for transmission. Thus, Budge appears representative of problems solved by implementations of the present invention, which allow for automatic loading or attachment of video files.

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Liwerant likewise does not provide for automatic attachment of a video file to an e-mail. Liwerant provides a system for uploading a file to a server, that may then be accessed from multiple users. While a "number of steps" for uploading a video to a server are automated, in Liwerant, as in Budge, no automatic accessing occurs in response to the end of clip message or video e-mail signal. (While Liwerant provides a "Share as a video email button" 810, this is a manual operation). Further, Liwerant provides for embedding a Windows Media Player inside an e-mail with a link to a VideoShare hosting service (e.g., on host computer 60, which is separate from home PC environment 10). While the video may be pre-loaded, it appears to be pre-loaded from the server, not the sender. That is, the "pre-loaded video" is sent to the server and then "pre-loaded" from the server. Thus the Liwerant video is not transmitted from the sender to the recipient, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Budge, Liwerant, and Ludwig et al., U.S. Patent Application Publication No. 2005/0144284 ("Ludwig"). Budge and Liwerant have been discussed above. Ludwig is relied on for allegedly teaching a TV screen. However, like Budge and Liwerant, Ludwig does not appear to automatically open an e-mail window or attach the video file. On page 33, paragraph [0636], Ludwig clearly states "when a user, at 1404, initiates a new e-mail message, the source e-mail system queries, at 1406, whether the user intends to attach a video attachment to the e-mail."

Thus, any attaching occurs with manual selection and manual opening of the – mail application by the user. Thus, if anything, Ludwig is representative of problems solved by the present invention, which provides a simplified method for generating and attaching video files to e-mail. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

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For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Date: August 1, 2008

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